

At the end, insert the following:
The provisions of this Act shall become effective in 2 days after enactment.

SA 5678. Mr. REID submitted an amendment intended to be proposed to amendment SA 5677 proposed by Mr. REID to the bill H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes; as follows:

In the amendment, strike “2” and insert “1.”

NOTICE OF INTENT TO OBJECT TO PROCEEDING

Mr. FEINGOLD, pursuant to the provisions of section 512 of Public Law 110-181, submitted his notice of intent to object to proceed to consider the resolution (S. Res. 626) expressing the sense of the Senate that the Supreme Court of the United States erroneously decided *Kennedy v. Louisiana*, No. 07-343 (2008), and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child, dated July 25, 2008, for the following reasons:

It would be inappropriate for the U.S. Senate to express a view on this case at this time and in this manner, as the United States Supreme Court has asked the parties in this case and the Solicitor General of the United States to submit supplemental briefs in response to a Petition for Rehearing. The Senate should not intervene in this ongoing legal proceeding. Senators are free to express their opinions on how the Supreme Court should rule on the Petition through amicus briefs if they wish.

PRIVILEGES OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent that Pete Evans, a fellow in the office of Senator DOMENICI, and Peggy Mallow, a member of his staff, be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2008

Ms. LANDRIEU. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives with respect to S. 3023.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

S. 3023

Resolved, That the bill from the Senate (S. 3023) entitled “An Act to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes”, do pass with an amendment.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House to the Senate bill and the motion to reconsider be laid upon the table; further, that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, as ranking member of the Senate Committee on Veterans' Affairs, I rise today to applaud the passage of S. 3023, the Veterans' Benefits Improvement Act of 2008. This veterans' benefits omnibus bill, which is now on its way to the President, will make a wide assortment of improvements to benefits programs for our Nation's veterans and their families.

I want to commend the chairman of the Senate Committee of Veterans' Affairs, Senator AKAKA, and our colleagues on the House Committee on Veterans' Affairs, Chairman FILNER and Ranking Member BUYER, for their efforts in crafting this compromise legislation. It reflects the bipartisan work of dozens of Members of both the House and Senate. The result of our work is an omnibus veterans' benefits bill with over 60 provisions that will allow more veterans to access VA-backed home loans, will expand access to independent living services for severely injured veterans, and will address VA's disability claims backlog, among many other valuable provisions.

I am particularly pleased that the bill includes an education benefit that draws its inspiration from a North Carolinian. Sarah Wade, spouse of Ted Wade, an Iraq War veteran who lost his right arm and has battled the effects of severe traumatic brain injury after an explosive detonated under his Humvee in 2004, has been at her husband's side as a primary caregiver from the beginning. She quit her job to take care of Ted and has doggedly ensured that he receives the highest quality of care. It is likely that her intensive involvement in Ted's ongoing recovery will last for several more years.

Sarah's effort on behalf of her husband leaves little time for herself. Sarah would one day like to go to school. Although VA provides an educational assistance benefit for the spouses of totally disabled veterans and servicemembers, the law requires that the benefit be used within 10 years of the date the veteran receives a total disability rating. For a spouse like Sarah Wade, there is next to no time to take advantage of this benefit within that timeframe. The recovery period for a TBI-afflicted veteran—the very period that Ted needs Sarah the most—simply precludes her from pursuing that option.

In recognition of hundreds of spouses like Sarah, the Veterans' Benefits Improvement Act of 2008 would extend from 10 to 20 years the period within which certain spouses of severely disabled veterans could use their education benefits. That longer window

will allow Sarah and others to focus on their first priority, the care of their injured spouses, while giving them some flexibility to pursue their educational goals later on. This provision is simply the right thing to do for those who have sacrificed so much.

Another provision I would like to mention would require human resource specialists in the Federal executive branch to receive training on the Uniformed Services Employment and Reemployment Rights Act, or USERRA. This law provides a wide range of employment protections to veterans, future and current members of the Armed Forces, and Guard and Reserve members. For returning servicemembers, it requires that they be given their jobs back when they return home. It also requires that they receive all the benefits and seniority that would have accumulated during their absence.

While every employer should strive to meet or exceed the requirements of USERRA, Congress has stressed that “the Federal Government should be a model employer” when it comes to complying with this law. In my view, this means the Federal Government should make sure that not a single returning servicemember is denied proper reinstatement to a Federal job. But unfortunately, this is not happening yet. The Federal Government often violates this law because Federal hiring managers simply don't understand what it requires or how to apply it.

That is why I championed a provision to require the head of each Federal executive agency to provide training for their human resources personnel on the rights, benefits, and obligations under USERRA. My hope is that this training will help prevent future violations of USERRA before they ever occur, so our returning servicemembers will not experience delays or frustrations in resuming their civilian jobs. In short, this provision will move the Federal Government toward becoming the “model employer” that it should be.

This bill also provides a number of enhancements to VA's Home Loan Guaranty Program, which are particularly important in light of the ongoing home loan crisis. For starters, the bill temporarily increases the maximum amount of VA's home loan guaranty from just over \$104,000 to more than \$182,000, allowing veterans purchasing homes in higher cost areas to benefit from a VA guaranty. Another key provision will significantly increase the maximum amount of VA's guaranty for refinance loans. This means veterans with large, high-interest conventional loans may be able to switch to lower interest rate VA-backed loans, helping them keep their homes by lowering their monthly payments.

Also, the bill would decrease from 10 percent to 0 percent the amount of equity required in order to refinance from a conventional loan to a VA-backed loan. So, even veterans who have seen declining home values may

be able to benefit from these VA-guaranteed refinance loans. Collectively, these changes will help more of our Nation's veterans purchase their own homes or keep their existing homes.

Other very important provisions in this bill will expand access to VA's independent living services program. This program helps veterans with severe service-related disabilities improve their ability to function more independently in their homes and communities and, in some cases, it gives them hope for a productive life. These services are more important than ever before, as veterans return home from Operation Enduring Freedom and Operation Iraqi Freedom with catastrophic injuries and as the overall veteran population ages. But VA is not authorized to allow more than 2,500 disabled veterans to enter this program each year, which may prevent or delay veterans from receiving these crucial services.

Also, VA is generally precluded from providing more than 24 months of independent living services to a disabled veteran. This may not be long enough for a veteran suffering severe disabilities, such as traumatic brain injuries, which can have lengthy, complex, and unpredictable recovery periods. So, this bill will increase from 2,500 to 2,600 the number of veterans who may enter the independent living services program each year and will allow any severely disabled veteran of OIF/OEF to receive more than 24 months of services. These changes will help ensure that veterans who have suffered devastating injuries in service to our Nation will have access to the services they need to lead fulfilling, independent lives.

This bill also includes a provision that would require VA to provide Congress with a plan for updating its disability rating schedule and a timeline for when changes will be made. This rating schedule—which is the cornerstone of the entire VA claims processing system—was developed in the early 1900s, and about 35 percent of it has not been updated since 1945. It is riddled with outdated criteria that do not track with modern medicine, and it does not adequately compensate young, severely disabled veterans; veterans with mental disabilities; and veterans who are unemployable.

To address this situation, VA conducted studies on the appropriate level of disability compensation to account for any loss of earning capacity and any loss of quality of life caused by service-related disabilities. To make sure these studies don't get put on a shelf to collect dust—as has happened in the past—this bill would require VA to submit to Congress a report outlining the findings and recommendations of those studies, a list of the actions that VA plans to take in response, and a timeline for when VA plans to take those actions. My hope is that this will finally prompt the type of complete update that is necessary to ensure the VA rating schedule is meeting the needs of our injured veterans.

This bill would also help ensure that the U.S. Court of Appeals for Veterans Claims consistently has the judicial resources it needs to provide timely decisions to veterans and their families. In recent years, the court has struggled in the face of a massive caseload, with record levels of incoming cases and record levels of pending appeals.

To help the court deal with this workload, this bill will temporarily increase the size of the court from seven judges to nine judges. This temporary increase will provide the court with more judicial resources in the near term. At the same time, it will allow Congress to gather more information about the court's workload before deciding whether a permanent expansion of the court is the best way to make sure veterans receive timely decisions in the future. To that end, the bill would require the court to provide annual reports to Congress with details about who is actually doing the work, what type of work they are doing, and where there are bottlenecks.

This temporary expansion to nine judges will also help with an ongoing problem—the prospect of having multiple judicial vacancies when judges retire. When the court was created in 1988, the terms of the judges were not staggered, so six judges retired between 2000 and 2005, with four retirements in a single 11-month period. This led to a serious disruption in service to veterans. To try to avoid a similar disruption in service when the existing judges retire, the terms of the judges appointed as a result of this expansion would extend well beyond the retirement dates of all of the existing judges.

In addition to all these good provisions, the bill includes some common-sense reforms to the court's pay structure and the rules on recalling retired judges. It would remove the current cap on the number of days a retired judge may voluntarily serve in recall status each year. It would create a three-tier payment structure for the judges, which reserves the highest pay for judges actually serving either as active judges or as recalled retired judges. It also would exempt retired judges from being involuntarily recalled after they have served at least 5 aggregate years as a recalled judge. These reforms should create meaningful incentives for retired judges to come back to work for longer or more frequent periods of time. With their experience and expertise, the increased involvement of retired judges will be of significant value to the veterans seeking justice from the court.

Mr. President, these are only a few of the over 60 items in this comprehensive veterans' benefits bill. I am confident this bill will improve the lives of veterans and their families, even if only in small ways. I applaud the passage of this bill, and, again, I thank my colleagues, Chairman AKAKA, Chairman FILNER, and Ranking Member BUYER.

VETERANS' MENTAL HEALTH CARE IMPROVEMENTS ACT OF 2008

Ms. LANDRIEU. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to S. 2162.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2162) entitled "An Act to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance disorders, and for other purposes", do pass with an amendment.

Ms. LANDRIEU. I ask unanimous consent that the Senate concur in the amendment of the House to the Senate bill and the motion to reconsider be laid upon the table; further, that any statements be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, I rise today to speak briefly on legislation that will make a tremendous difference in the lives of those who have served our country in uniform. S. 2162, the Veterans' Mental Health and Other Care Improvements Act of 2008, reflects a compromise reached between the House and Senate on critical health care legislation. It is comprised of over 40 provisions, authored by both my House and Senate colleagues. The bill passed the House on Wednesday night and is now pending before the Senate awaiting final passage to be sent to the President.

S. 2162 includes needed improvements to health care services provided to veterans who suffer from both mental illness and substance use disorder. It ensures that veterans seeking treatment for both conditions will receive quality, coordinated treatment. It would expand the availability of treatment the Department of Veterans Affairs, VA, offers for substance abuse, including detoxification and stabilization services. It will strengthen VA's reimbursement of community hospitals for emergency care that they provide to enrolled veterans; direct VA to develop a comprehensive policy on the management of pain experienced by veterans; direct the establishment of epilepsy centers of excellence; and make it easier for veterans with HIV/AIDS to be diagnosed and treated.

Let me spend a few minutes discussing a few key provisions that I am particularly proud to support. First, legislation I authored is included in this bill that would authorize VA to make grants to private and public groups so that they may provide supportive services to keep low-income veterans, who are at risk of becoming homeless, in permanent housing. We have all heard the old saying that "an ounce of prevention is worth a pound of cure." This legislation will help those on the verge of becoming homeless by